

UNITED STATES BANKRUPTCY COURT
District of New Jersey

IN RE: Martin A Fonseca
 Carmencita M Fonseca

Case No.: 13-19699
 Judge: Kathryn Ferguson

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☒ Modified/Notice Required

Date: October 12,
 2017

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
 CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☒ DOES ☐ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney _____ Initial Debtor: MAF _____ Initial Co-Debtor CMF _____

Part 1: Payment and Length of Plan

a. The debtor has paid to date the amount of \$30, 288.40 and shall continue to pay 150.00 Monthly* to the Chapter 13 Trustee, starting on October 1, 2017 for approximately 9 months remaining in the Chapter 13 Plan.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property
Description:
Proposed date for completion: _____

- ☐ Refinance of real property:
Description:
Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____

d. ☒ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

☒ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Russell L. Low 4745	Attorney Fees	2,585.00

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

- ☒ None
☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☐ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
Bank Of America, N.a.	Property Location: 6 Birchwood Ct., Middlesex, NJ 08846	55,273.00	235,000.00	1st Mortgage Bank Of America, N.a. - 240,000.00	No value	N/A	0.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Creditor

Bank Of America, N.a.

g. Secured Claims to be Paid in Full Through the Plan ☐ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
Wells Fargo Bank, N.A.	\$536.00 Furniture	535.80

Part 5: Unsecured Claims ☒ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ _____ to be distributed *pro rata*

☐ Not less than _____ percent

☒ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☐
NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
Bank Of America, N.a.	Property Location: 6 Birchwood Ct., Middlesex, NJ 08846	55,273.00	235,000.00	1st Mortgage Bank Of America, N.a. - 240,000.00	-5,000.00	55,273.00

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ **NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: June 24, 2013.

Explain below why the plan is being modified:	Explain below how the plan is being modified:
Amended plan to reflect modified mortgage payment and to file amended schedules I&J.	Debtor will resume payments in the amount of \$150.00 for the remaining 9 months of the Chapter 13 Plan.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures

☐ NONE

☒ Explain here:

*This plan is a step plan or has lumpsum payments as follows: \$573.80 per month for 1 month, then \$583.00 per month for 50 months, then \$150.00 per month for 9 months

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date	October 12, 2017	/s/ Russell L. Low Russell L. Low 4745
Date:	October 12, 2017	Attorney for the Debtor /s/ Martin A Fonseca Martin A Fonseca
		Debtor
Date:	October 12, 2017	/s/ Carmencita M Fonseca Carmencita M Fonseca
		Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s) if any, must sign this Plan.

Date	October 12, 2017	/s/ Russell L. Low Russell L. Low 4745
		Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date:	October 12, 2017	/s/ Martin A Fonseca Martin A Fonseca
		Debtor

Date: October 12, 2017

/s/ Carmencita M Fonseca

Carmencita M Fonseca

Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Martin A Fonseca
 Carmencita M Fonseca
 Debtors

Case No. 13-19699-KCF
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 52

Date Rcvd: Oct 13, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 15, 2017.

db/jdb +Martin A Fonseca, Carmencita M Fonseca, 6 Birchwood Court, Middlesex, NJ 08846-2073
 514118401 AMERICAN EXPRESS BANK, FSB, C/O BECKET AND LEE LLP, POB 3001, MALVERN, PA 19355-0701
 513907326 +American Express, American Express Special Research, Po Box 981540,
 El Paso, TX 79998-1540
 513907329 +Amex Dsnb, Po Box 8218, Mason, OH 45040-8218
 513907330 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank Of America, Attention: Recovery Department,
 4161 Piedmont Pkwy., Greensboro, NC 27410)
 513907331 +Bank Of America, N.A., 450 American St, Simi Valley, CA 93065-6285
 514141796 CAPITAL ONE, N.A., C/O BECKET AND LEE LLP, POB 3001, MALVERN, PA 19355-0701
 514164797 +CAPITAL ONE, N.A., PO Box 12907, Norfolk VA 23541-0907
 513977649 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 513907334 +Capital One, N.A., Capital One Bank (USA) N.A., Po Box 30285,
 Salt Lake City, UT 84130-0285
 513907335 +Chase Mht Bk, Attention: Bankruptcy, Po Box 15298, Wilmington, DE 19850-5298
 513907337 +Creditors Interchange, PO Box 1335, Buffalo, NY 14240-1335
 514146183 ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
 (address filed with court: Dell Financial Services, LLC, Resurgent Capital Services,
 PO Box 10390, Greenville, SC 29603-0390)
 513907338 +Dell Financial Services, 701 E. Barmer Lane, Building 2, Austin, TX 78753-3520
 513930202 +Department Stores National Bank/Macys, Bankruptcy Processing, Po Box 8053,
 Mason, OH 45040-8053
 513907339 Dsnb Macys, 911 Duke Blvd, Mason, OH 45040
 513907340 +First Source Advantage, LLC, PO Box 628, Buffalo, NY 14240-0628
 513907341 +Fst Usa Bk B / Chase, Po Box 15298, Wilmington, DE 19850-5298
 513907346 +Hsbc Bank, Attn: Bankruptcy, Po Box 5213, Carol Stream, IL 60197-5213
 513907348 +Hsbc/seamn, Hsbc Retail Services/Attn: Bankruptcy, Po Box 5263,
 Carol Stream, IL 60197-5263
 513907350 +Mandees, P.O. Box 182686, Columbus, OH 43218-2686
 514747320 ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
 (address filed with court: Nationstar Mortgage, LLC, PO Box 619096, Dallas, TX 75261-9741)
 513935219 +NJCLASS, PO BOX 548, TRENTON, NJ 08625-0548
 513907352 +Northland Group Inc, PO Box 390905, Minneapolis, MN 55439-0905
 513907353 +Pnc Bank, Po Box 5570, Cleveland, OH 44101-0570
 513907354 +Rymr&flnign, Po Box 130, Liverpool, NY 13088-0130
 513907355 +Sears/cbna, Po Box 6282, Sioux Falls, SD 57117-6282
 513958130 +Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300, Highlands Ranch, CO 80129-2386
 513907357 +State Of Nj Student As, Po Box 538, Trenton, NJ 08625-0538
 513907363 +Tnb-Visa (TV) / Target, C/O Financial & Retail Services, Mailstop BV P.O.Box 9475,
 Minneapolis, MN 55440-9475
 513907364 +Valley National Bank M, 1460 Valley Rd, Wayne, NJ 07470-8494
 513907365 +Verizon New Jersey Inc, Po Box 3397, Bloomington, IL 61702-3397
 513907366 +Victoria's Secret, Attention: Bankruptcy, Po Box 182125, Columbus, OH 43218-2125
 516965851 +WELLS FARGO BANK, NATIONAL ASSOCIATION, Nationstar Mortgage LLC, PO Box 619096,
 Dallas, TX 75261-9096
 516965852 +WELLS FARGO BANK, NATIONAL ASSOCIATION, Nationstar Mortgage LLC, PO Box 619096,
 Dallas, TX 75261-9741, WELLS FARGO BANK, NATIONAL ASSOCIATION,
 Nationstar Mortgage LLC 75261-9096
 513966166 Wells Fargo Bank NA, PO Box 10438, Des Moines IA 50306-0438
 513907367 +Wfnnb/mandee, 995 W 122nd Ave, Westminster, CO 80234-3417
 513907368 +World Financial Network National Bank, Wfnnb, Po Box 182686, Columbus, OH 43218-2686

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Oct 13 2017 23:33:34 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Oct 13 2017 23:33:30 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 513907333 +E-mail/Text: cms-bk@cms-collect.com Oct 13 2017 23:33:16 Capital Management,
 726 Exchange Street, Suite 700, Buffalo, NY 14210-1464
 513907342 +E-mail/PDF: gecsedirecoverycorp.com Oct 13 2017 23:29:16 GEMB / Old Navy,
 Attention: GEMB, Po Box 103104, Roswell, GA 30076-9104
 513907344 +E-mail/PDF: gecsedirecoverycorp.com Oct 13 2017 23:29:02 Gemb/JC Penny,
 Attention: Bankruptcy, Po Box 103104, Roswell, GA 30076-9104
 513907343 +E-mail/PDF: gecsedirecoverycorp.com Oct 13 2017 23:29:31 Gemb/home Design,
 Attn: bankruptcy, Po Box 103104, Roswell, GA 30076-9104
 513907345 +E-mail/PDF: gecsedirecoverycorp.com Oct 13 2017 23:29:02 Gemb/walmart, Attn: Bankruptcy,
 Po Box 103104, Roswell, GA 30076-9104
 513907349 +E-mail/Text: bnckohlsnotices@becket-lee.com Oct 13 2017 23:32:51 Kohls/capone,
 Po Box 3115, Milwaukee, WI 53201-3115
 514038968 E-mail/PDF: resurgentbknofifications@resurgent.com Oct 13 2017 23:35:24
 LVNV Funding, LLC its successors and assigns as, assignee of Citibank, N.A.,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 52

Date Rcvd: Oct 13, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

513907351 +E-mail/Text: bnc-bluestem@quantum3group.com Oct 13 2017 23:34:26 MetaBank/Fingerhut,
6250 Ridgewood Road, Saint Cloud, MN 56303-0820
514872292 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 13 2017 23:35:25
Portfolio Recovery Associates, LLC, POB 41067, Norfolk, VA 23541
514872293 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 13 2017 23:35:26
Portfolio Recovery Associates, LLC, POB 41067, Norfolk, VA 23541,
Portfolio Recovery Associates, LLC, POB 41067, Norfolk, VA 23541
514159087 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 13 2017 23:35:17
Portfolio Recovery Associates, LLC, c/o Walmart Credit Card, POB 41067, Norfolk VA 23541
513969556 +E-mail/Text: bankruptcygroup@ugcorp.com Oct 13 2017 23:34:09
United Guaranty Residential Insurance Co of NC, PO Box 20327, Greensboro, NC 27420-0327
TOTAL: 14

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
513907327* +American Express, American Express Special Research, Po Box 981540,
El Paso, TX 79998-1540
513907328* +American Express, American Express Special Research, Po Box 981540,
El Paso, TX 79998-1540
513907332* +Bank Of America, N.a., 450 American St, Simi Valley, CA 93065-6285
513907336* +Chase Mht Bk, Attention: Bankruptcy, Po Box 15298, Wilmington, DE 19850-5298
513907347* +Hsbc Bank, Attn: Bankruptcy, Po Box 5213, Carol Stream, IL 60197-5213
513907356* +Sears/cbna, Po Box 6282, Sioux Falls, SD 57117-6282
513907358* +State Of Nj Student As, Po Box 538, Trenton, NJ 08625-0538
513907359* +State Of Nj Student As, Po Box 538, Trenton, NJ 08625-0538
513907360* +State Of Nj Student As, Po Box 538, Trenton, NJ 08625-0538
513907361* +State Of Nj Student As, Po Box 538, Trenton, NJ 08625-0538
513907362* +State Of Nj Student As, Po Box 538, Trenton, NJ 08625-0538

TOTALS: 0, * 11, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 15, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 12, 2017 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Denise E. Carlson on behalf of Creditor WELLS FARGO BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR
Banc of America Alternative Loan Trust 2004-12 Mortgage Pass-Through Certificates, Series
2004-12 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Russell L. Low on behalf of Joint Debtor Carmencita M Fonseca rbear611@aol.com,
ecf@lowbankruptcy.com;r57808@notify.bestcase.com
Russell L. Low on behalf of Debtor Martin A Fonseca rbear611@aol.com,
ecf@lowbankruptcy.com;r57808@notify.bestcase.com

TOTAL: 4